

**Court of Common Pleas, Auglaize County, Ohio**

**SUMMONS**

**GOVERNMENT  
EXHIBIT**

**A**

**CASE NO. 2023 CV 0016**

**SUMMONS ON COMPLAINT**

R. C. WIESENMAYER, EXECUTOR  
OF THE ELVIN D. JONES ESTATE AND AS TRUSTEE OF  
THE ELVIN D. JONES REVOCABLE TRUST, DATED MAY 21,  
WAPAKONETA, OH 45895

**Plaintiff**

**VS**

THRIFT SAVINGS PLAN  
P.O. BOX 385021  
BIRMINGHAM, AL 35238

TSP LEGAL PROCESSING UNIT  
P.O. BOX 4390  
FAIRFAX, VA 22038

TDP DEATH BENEFITS PROCESSING UNIT  
P.O. BOX 4450  
FAIRFAX, VA 22038

**Defendants**



To the above named Defendants

You are hereby summoned that a complaint (a copy of which is hereto attached and made a part hereof) has been filed against you in this court by the plaintiff named herein.

You are hereby required to serve upon the plaintiffs' attorney, or upon the plaintiff if they have no attorney of record, a copy of your answer to the complaint within 28 days after service of this summons upon you, exclusive of the day of service. Said answer must be filed with this court within three days after service on Plaintiffs' Attorney.

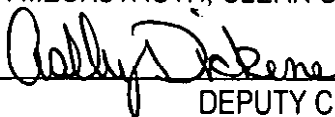
The name and address of the Plaintiffs' Attorney is as follows:

ROBERT C WIESENMAYER, ESQ  
15 WILLIPIE ST STE 300  
WAPAKONETA, OH 45895

If you fail to appear and defend, judgment by default will be taken against you for the relief demanded in the complaint.

I. JEAN MECKSTROTH, CLERK OF COURTS

BY:

  
DEPUTY CLERK

January 25, 2023



Defendant

AUGLAIZE COUNTY  
COMMON PLEAS COURT  
FILED

2023 JAN 25 PM 1:40

I. JEAN MECKSTROTH  
CLERK OF COURTS

IN THE COMMON PLEAS COURT OF AUGLAIZE COUNTY, OHIO  
Civil Division

R. C. WIESENMAYER, Executor of the  
Elvin D. Jones Estate and as Trustee of  
The Elvin D. Jones Revocable Trust,  
dated May 21, 2010  
15 Willipie Street, Suite 300  
Wapakoneta, Ohio 45895

Plaintiff,

-vs-

THRIFT SAVINGS PLAN  
PO Box 385021  
Birmingham, Alabama 35238

and

TSP LEGAL PROCESSING UNIT  
PO Box 4390  
Fairfax, Virginia 22038-4390

and

TSP DEATH BENEFITS PROCESSING UNIT  
PO Box 4450  
Fairfax, Virginia 22038-4450

Defendants.

Case No. 2023 CV 0016

Judge Frederick Pepple

COMPLAINT

COMPLAINT

Now comes Plaintiff, R. C. Wiesenmayer, and for his Complaint against Defendants Thrift Savings Plan, TSP Legal Processing Unit, and TSP Death Benefits Processing Unit, states the following:

PARTIES

1. At all times material to this action, R. C. Wiesenmayer has been acting in his capacity as Executor of the Estate of Elvin D. Jones by virtue of his appointment by the Auglaize County Probate Court in Case No. 2022 EST 134.

2. Further, at all times material to this action, R. C. Wiesenmayer has been acting as the Successor Trustee of the Elvin D. Jones Revocable Trust, dated May 21, 2010, by virtue of the death of Elvin D. Jones on April 22, 2022.

3. Defendant Thrift Savings Plan, whose principal business location is PO Box 385021, Birmingham, Alabama 35238, was doing business with decedent, Elvin D. Jones, prior to his death when said decedent resided at 1059 Princewood Avenue, Kettering, Ohio 45429-5864 through a financial account designated as #8201 3519 56679.



4. Defendant **TSP Legal Processing Unit**, has a designated address of PO Box 4390, Fairfax Virginia 22038-4390, and is a unit specified to represent the Defendant Thrift Savings Plan.

5. Defendant **TSP Death Benefits Processing Unit**, has a designated address of PO Box 4450, Fairfax, Virginia 22038-4450, and has been designated for the receiving of death benefit claims by Defendant Thrift Savings Plan.

#### **JURISDICTION / VENUE**

6. Jurisdiction is proper in this Court since the amount involved is greater than \$15,000; and ORC §2307.382 provides for personal jurisdiction over all persons and entities who are transacting business in this state and contracting to supply services or goods in this state.

7. This Court is the proper venue in this case because at the time of death of the decedent, he had a residence address of 11591 Kuenstle Road, Wapakoneta, Ohio 45895, which is in Auglaize County, Ohio.

#### **FACTUAL BACKGROUND**

8. On May 9, 2022, the Probate Court of Auglaize County, Ohio appointed R. C. Wiesenmayer, Executor of the Estate of Elvin D. Jones in Case No. 2022 EST 134, as a result of proper application filed within the Auglaize County Probate Court alleging that Elvin D. Jones deceased on April 22, 2022, domiciled in Clay Township, Auglaize County, Ohio. A copy of the **Entry Appointing Fiduciary; Letters of Authority** is attached hereto marked as Exhibit A and incorporated herein by reference.

9. On April 25, 2022, R. C. Wiesenmayer certified, by Trustee's Certificate Memorandum/Affidavit of Trust, that he was serving as the Successor Trustee to the Elvin D. Jones Revocable Living Trust, dated May 21, 2010, as provided by the terms and provisions of said Trust. A copy of said **Trustee's Certificate Memorandum/Affidavit of Trust**, consisting of 3 pages, is attached hereto marked as Exhibit B and incorporated herein by reference.

10. On May 12, 2022, Plaintiff, as Trustee of the Elvin D. Jones Revocable Trust, dated May 21, 2010, filed the Thrift Savings Plan Form TSP-17 reporting the death of Elvin D. Jones and requested the processing of said decedent's account with Thrift Savings Plan. A copy of said **Form TSP-17**, including the **Fax Transmittal** and the **Transmission Verification Report**, consisting of 5 pages, are attached hereto marked as Exhibit C and incorporated herein by reference.

11. Plaintiff further states that said claim, as "Trustee", was made based upon the Thrift Savings Plan 2021 Annual Statement indicating the account balance of \$204,067.93 and naming the primary beneficiary as the "Elvin D. Jones Trust – 100% share". A copy of said **Thrift Savings Plan 2021 Annual Statement**, including the **Fax Transmittal** and the **Transmission Verification Report**, consisting of 5 pages, are attached hereto marked as Exhibit D and incorporated herein by reference.





12. On June 3, 2022, Plaintiff, acting as Trustee of the Elvin D. Jones Revocable Trust, supplied Defendant Thrift Savings Plan Death Benefits Processing Unit with the requested information concerning a copy of the Trust and other relevant information. A copy of said **Fax Transmittal**, along with the **Transmission Verification Report** and the **Request Letter** from Thrift Savings Plan Death Benefits Processing Unit, consisting of 3 pages, are attached hereto marked as Exhibit E and incorporated herein by reference.

13. On July 9, 2022, the Estate of Elvin D. Jones received Notice that the trust documents provided to Thrift Savings Plan on June 3, 2022 were not sufficient in that The Elvin D. Jones Revocable Trust was not "named" as a beneficiary; and that certified letters of administration was required to be submitted for review. A reply to said Notice was made on July 11, 2022, setting forth the pages of the Thrift Savings Plan 2021 Annual Statement for Elvin D. Jones (Exhibit D), which clearly states on page 3, that "The Elvin D. Jones Trust" was the "beneficiary". A copy of said **Notice**, the reply **Fax Transmittal** and the **Transmission Verification Report**, consisting of 3 pages, are attached hereto marked as Exhibit F and incorporated herein by reference.

14. On August 12, 2022, Plaintiff R. C. Wiesenmayer, acting on behalf of the decedent Elvin D. Jones, faxed a Subpoena to the Thrift Savings Plan to clarify the primary beneficiary designation and to request a reason for the delay in processing the claim. A copy of said **Civil Subpoena Duces Tecum**, along with the **Fax Transmittal** and the **Transmission Verification Report**, consisting of 6 pages, are attached hereto marked as Exhibit G and incorporated herein by reference.

15. On September 20, 2022, Plaintiff R. C. Wiesenmayer, acting on behalf of the decedent, Elvin D. Jones, furnished additional information to Thrift Savings Plan, consisting of the Entry Appointing Fiduciary; Letters of Authority (Exhibit A). A copy of said **Fax Transmittal**, including the **Transmission Verification Report**, consisting of 2 pages, are attached hereto marked as Exhibit H and incorporated herein by reference.

16. On October 26, 2022, "Form TSP-17 - Unidentified Beneficiary Affidavit" was faxed to the Thrift Saving Plan, again claiming the funds belonging to Elvin D. Jones were payable to the Executor of the Elvin D. Jones Estate. Said **Form TSP-17 – Unidentified Beneficiary Affidavit**, including the faxed **Transmission Verification Report**, consisting of 7 pages, are attached hereto marked as Exhibit I and incorporated herein by reference.

17. On or about June 1, 2022, the Defendant, Thrift Savings Plan, mailed a Statement covering the period of April 1, 2022 thru May 26, 2022, indicating the value of the account had been reduced to \$191,098.71, which was mailed to "The Estate of Elvin D. Jones" using his "1059 Princewood Avenue" address in Kettering, Ohio, although the Thrift Savings Plan knew, or should have known, that Elvin D. Jones was deceased, since the Statement was sent to his "Estate" and that his estate was represented by R. C. Wiesenmayer in the capacity of "Executor" and "Trustee". A copy of said **Statement**, consisting of 2 pages, is attached hereto marked as Exhibit J and incorporated herein by reference.



18. Plaintiff further states that on December 28, 2022, an email was sent to TSP Death Benefits, Thrift Line Service Center for an explanation as to the numerous attempts that have been made to access the funds belonging to the decedent, Elvin D. Jones, and the failure of any responsive information as to what additional information would be necessary for the applicant to complete the redemption of the Thrift Saving Plan. A copy of said **Email Transmittal** is attached hereto marked as Exhibit K and incorporated herein by reference.

19. Plaintiff further states that his notes reflect that a phone call was made on January 12, 2023 to the Thrift Savings Plan to inquire as to when to expect the redemption of the Thrift Savings Plan belonging to the decedent, Elvin D. Jones, and no information was furnished on the expected date for redemption.

**CLAIM FOR RELIEF**  
**Breach of Contract**

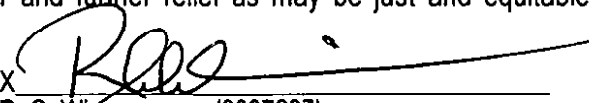
20. Plaintiff realleges, restates, and reavers all allegations contained in the previous paragraphs of the Complaint as if fully rewritten herein.

21. Plaintiff states that all the Defendants have breached the terms and provisions of the Thrift Savings Plan of Elvin D. Jones, being account #8201 3519 56679, by the failure to process Form TSP-17 duly submitted by the Trustee of the Elvin D. Jones Revocable Trust, dated May 21, 2019; and also submitted by the Executor of the Elvin D. Jones Estate pending in the Auglaize County Probate Court.

22. Plaintiff further states that the beneficiaries of the Elvin D. Jones Estate and the Elvin D. Jones Revocable Trust have been damaged in the amount of \$191,098.71, being the balance in the account on May 26, 2022.

23. Plaintiff further states that Defendant Thrift Saving Plan has intentionally refused to assist in the timely processing of the claim for decedent, Elvin D. Jones, being account #8201 3519 56679, by the total disregard of responding to the Civil Subpoena issued for information concerning the processing of said claim; and for the repeated failure to explain the reason for the continued delay in furnishing R. C. Wiesenmayer, as Executor and as Trustee, with any reason or cause for the failure to immediately process and disburse the proceeds of said decedent's claim for the benefit of the estate beneficiaries and the trust beneficiaries; and thereby afflicting additional damage, inconvenience, and loss in the amount of \$50,000.

WHEREFORE, Plaintiff prays for judgment against Defendant Thrift Savings Plan in the amount of **\$241,098.71**, plus interest thereon from and after June 1, 2022, for the costs incurred in bringing this action, for reasonable attorney fees, and for such other and further relief as may be just and equitable in the premises.

X   
R. C. Wiesenmayer (0007207)  
15 Willipie Street, Suite 300, P.O. Box 299  
Wapakoneta, Ohio 45895  
Phone No. (419) 738-8165  
Email: rcw@osulawyers.com  
Attorney for Plaintiff



**PROBATE COURT OF AUGLAIZE COUNTY, OHIO**

ESTATE OF

ELVIN D. JONES

FILED

DECEASED

Case No.

2022 EST 134

MAY 9 2022

MARK E. SPEES  
AUGLAIZE COUNTY PROBATE COURT**ENTRY APPOINTING FIDUCIARY; LETTERS OF AUTHORITY****[For Executors and all Administrators]**Name and Title of Fiduciary R.C. Wiesenmayer, Executor

On hearing in open court the application of the above fiduciary for authority to administer decedent's estate, the court finds that:

Decedent died **[check one of the following]**☒ testate☐ intestateon April 22, 2022, domiciled in Clay Township, Auglaize County, Ohio.**[Check one of the following]**☒ Bond is dispensed with by the will☐ Bond is dispensed with by law☐ Applicant has executed and filed an appropriate bond, which is approved by the court;  
and

Applicant is a suitable and competent person to execute the trust.

The Court therefore appoints applicant as such fiduciary, with the power conferred by law to fully administer decedent's estate. This entry of appointment constitutes the fiduciary's letters of authority.

May 9, 2022  
Date/S/MARK E. SPEES  
Judge**CERTIFICATE OF APPOINTMENT AND INCUMBENCY**

The above document is a true copy of the original kept by me as custodian of the records of this Court. It constitutes the appointment and letters of authority of the named fiduciary, who is qualified and acting in such capacity.

[Seal]

Probate Judge /Clerk

by:

May 9, 2022  
Date




**TRUSTEE'S CERTIFICATE  
MEMORANDUM / AFFIDAVIT OF TRUST**

STATE OF OHIO, COUNTY OF AUGLAIZE )

Now comes **R. C. WIESENMAYER**, as Successor TRUSTEE of **THE ELVIN D. JONES REVOCABLE TRUST, DATED MAY 21, 2010**, being first duly sworn, deposes and states as follows:

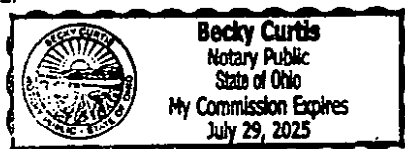
1. This Affidavit is made pursuant to Section 5301.255 of the Ohio Revised Code and OSBA Standard 3.18.
2. **ELVIN D. JONES, 1059 Princewood Avenue, Kettering, Ohio 45429**, died on April 22, 2022, and therefore, this TRUST is now IRREVOCABLE.
3. The current name and address of the TRUSTEE authorized to act for said TRUST, pursuant to *ARTICLE V. - FIDUCIARY APPOINTMENTS, Subparagraph 5.2*, is Attorney **R. C. WIESENMAYER, 15 Williple Street, Suite 300, PO Box 299, Wapakoneta, Ohio 45895**.
4. The successor TRUSTEE of said TRUST if **R. C. WIESENMAYER**, is unable to serve, are **COURTNEY W. BURTON, 15 Williple Street, Suite 300, PO Box 299, Wapakoneta, Ohio 45895**; and if she is unable to serve; then (2) **ROB C. WIESENMAYER, II, 15 Williple Street, Suite 310, Wapakoneta, Ohio 45895**.
5. **THE ELVIN D. JONES REVOCABLE LIVING TRUST, DATED MAY 21, 2010**, provides at *ARTICLE VI. - FIDUCIARY PROVISIONS, Subparagraph 6.7 - "Trustee's Certificate"* that "A certificate signed by any TRUSTEE under this instrument and acknowledged by such TRUSTEE before a notary public shall be conclusive evidence upon all persons and for all purposes of the facts stated in the certificate respecting the terms of this instrument and the identity of the TRUSTEE who, from time-to-time, is serving under it."
6. The TRUST is known as **THE ELVIN D. JONES REVOCABLE TRUST DATED MAY 21, 2010**, and was executed on **MAY 21, 2010**.
7. The powers of the TRUSTEE specified in this TRUST regarding any assets which have been transferred to the TRUSTEE are described in the attached "Exhibit A".
8. There are no other provisions or restrictions upon the above described powers of the TRUSTEE. The TRUST has not been revoked or amended.
9. This *Memorandum/Affidavit of Trust* and **THE ELVIN D. JONES REVOCABLE TRUST, DATED MAY 21, 2010** shall apply to all assets owned or hereinafter acquired by the TRUST, including, but not limited to, the real estate and personal property set forth in the attached "Exhibit B".


FURTHER AFFIANT SAITH NOT.

x   
R. C. Wiesenmayer, Successor Trustee

**NOTARIAL CERTIFICATE**

Sworn to or affirmed and subscribed before me by **R. C. Wiesenmayer**, this 25<sup>th</sup> day of April, 2022.



x   
Notary Public







**"EXHIBIT A"****ARTICLE VI. - FIDUCIARY PROVISIONS**

**6.1 Powers:** Any TRUSTEE serving hereunder shall have all of the powers from time-to-time conferred upon TRUSTEES by law, except to the extent a power would conflict with this instrument, in which case the provisions of this instrument shall control. In addition to such powers, any TRUSTEE serving hereunder is specifically authorized:

- (a) To retain any property originally constituting the TRUST or subsequently added thereto, although not of a type, quality, or diversification considered proper for TRUST investments;
- (b) To invest in and or otherwise acquire any property, without being bound by any provision of law restricting investments by TRUSTEES, including but not limited to common and preferred stock, secured and unsecured obligations, mutual and common funds, other securities, mortgages, and interest and options in any of the foregoing;
- (c) To cause any property, real or personal, belonging to the TRUST to be held or registered in the TRUSTEE'S name or in the name of a nominee or in such other form as the TRUSTEE deems best without disclosing the relationship;
- (d) To vote in person or by general or limited proxy, or refrain from voting, any corporate securities for any purpose, except that any security as to which the possession of the TRUSTEE of voting discretion would subject the issuing company or the TRUSTEE to any law, rule or regulation adversely affecting either the company or the ability of the TRUSTEE to retain or vote company securities, shall be voted as directed by the beneficiaries then entitled to receive or have the benefit of the income from the TRUST; to exercise or sell any subscription or conversion rights; to consent to and join in or oppose any voting trusts, reorganizations, consolidations, mergers, foreclosures and liquidations and in connection therewith to deposit securities and accept and hold other property received therefor;
- (e) To lease TRUST property for any period of time though commencing in the future or extending beyond the term of the TRUST;
- (f) To borrow money from any lender, extend or renew any existing indebtedness, mortgage or pledge any property in the TRUST, and to guarantee any indebtedness.
- (g) To sell, without the necessity of authorization by any court, at public or private sale, contract to sell, convey, exchange, transfer and otherwise deal with the TRUST property, real or personal, and any reinvestments thereof, and to sell put and covered call options, from time-to-time for such price and upon such terms as the TRUSTEE sees fit;
- (h) To employ agents, attorneys and proxies and to delegate to them such powers as the TRUSTEE considers desirable;
- (i) To compromise, contest, prosecute or abandon claims in favor of or against a TRUST created hereunder;
- (j) To distribute income and principal in cash or in kind, or partly in each, and to allocate or distribute undivided interests or different assets or disproportionate interests in assets, and no adjustment need be made to compensate for a disproportionate allocation of unrealized gain for Federal income tax purposes; to value the TRUST property and to sell any part or all thereof in order to make allocation or distribution; no action taken by the TRUSTEE pursuant to this subsection shall be subject to question by any beneficiary; provided, however, in exercising the foregoing judgment, the TRUSTEE shall act in fair and impartial manner with respect to all beneficiaries such that the exercise of the judgment of the TRUSTEE in the selection and valuation of assets to be divided, distributed or allocated shall not jeopardize the intended estate and transfer tax results of such gifts, including any otherwise available marital or charitable deduction;
- (k) To deal with, purchase assets from, or make loans to, the fiduciary of any TRUST made by me or any member of my family or a TRUST or estate in which any beneficiary under this instrument has an interest, though a TRUSTEE hereunder is the fiduciary or a beneficiary; to deal with a corporate TRUSTEE hereunder individually or a parent or affiliate company;
- (l) To elect, pursuant to the terms of any employee benefit plan, individual retirement plan, or insurance contract, the mode of distribution of the proceeds thereof, and no adjustment shall be made in the interests of the beneficiaries to compensate for the effect of the election;



- (m) To take such action in collecting the proceeds of any life insurance payable to the TRUSTEE, after deducting all charges by way of advances, loans, or otherwise, as the TRUSTEE deems best, paying the expense thereof from the TRUST property.
- (n) To perform other acts necessary or appropriate for the proper administration of a TRUST created hereunder; including to execute and deliver necessary instruments and give full receipts and discharges;
- (o) To pay the corporate TRUSTEE, if any, reasonable compensation in accordance with its regular schedule of compensation for inter vivos trusts of a similar size in effect when the services are performed. The individual TRUSTEE, if any, shall receive reasonable compensation. The TRUSTEE shall charge any annual compensation to income, or if insufficient to principal. For any extraordinary services requested or required of it, the TRUSTEE shall be entitled to receive reasonable additional compensation;
- (p) To take whatever action the TRUSTEE, in its discretion, shall consider best serves the interests of the TRUST and its beneficiaries in order to preserve the effectiveness of an existing S Corporation election with respect to any stock held by it or to enable a new S Corporation election to be made, including, but not limited to, the outright distribution of such stock to one or more of the beneficiaries notwithstanding any contrary provisions of this TRUST instrument, or the creation of one or more separate TRUSTS for the benefit of a TRUST beneficiary that will qualify as a qualified Subchapter S Trust under I.R.C. Section 1361(d) on terms similar to those contained in this instrument and the allocation of such stock to such TRUST or TRUSTS.
- (q) To follow the provisions of Ohio Revised Code Section 1340.01 through 1340.13 (the Ohio Principal and Income Act or "the Act") in allocating receipts and disbursements between income and principal; the TRUSTEE shall have full authority, nonetheless, to make allocations contrary to those required by the Act whenever it, in its sole discretion, shall determine that a different allocation will better effectuate the purposes of the TRUST, or any separate TRUST created hereunder, and no claim may be made or recovery had against the TRUSTEE on the basis of any allocation decision made by it.
- (r) So long as the initial TRUSTEE is acting for this TRUST, he or she shall have the power and authority to make gifts of any TRUST property to any person without any limitations whatsoever. However, if the initial TRUSTEE is not acting as the TRUSTEE at the time an attempted gift is made, then this provision shall not authorize gifting for any persons other than the initial TRUSTEE.





# THRIFT SAVINGS PLAN INFORMATION RELATING TO DECEASED PARTICIPANT

TSP-17

Use this form to provide information about potential beneficiaries of a deceased Thrift Savings Plan (TSP) participant. Read the instructions for each section before completing the form. **A copy of the participant's death certificate must accompany this form.**

## I. INFORMATION ABOUT DECEASED PARTICIPANT

1. Name of Deceased Participant JONES ELVIN D  
Last First Middle
2. 295 - 34 - 7593 3. 08 / 01 / 1937 4. 04 / 22 / 2022  
Social Security Number Date of Birth (mm/dd/yyyy) Date of Death (mm/dd/yyyy)
5. Legal Residence at Time of Death \_\_\_\_\_  
Street Address
6. City \_\_\_\_\_ 7. Ohio 8. \_\_\_\_\_  
State/Country Zip Code
9. ☒ Check here to indicate that you have attached a copy of the death certificate (as required).

## II. INFORMATION ABOUT YOU

10. Name Wiesenmayer R C  
Last First Middle
11. \_\_\_\_\_ 12. \_\_\_\_\_  
Social Security Number (or TIN if estate) Date of Birth (mm/dd/yyyy)
13. Address 15 Willipie Street, Suite 300, PO Box 299  
Street Address or Box Number
14. City Wapakoneta 15. Ohio 16. 45895  
State/Country Zip Code
17. Daytime Phone (419) 738 - 8165 18. Executor & Trustee  
Area Code and Number Relationship to Deceased Participant

## III. INFORMATION ABOUT POTENTIAL BENEFICIARIES

19. **Participant's Spouse**—Was the participant married at the time of death?  
☐ Yes ☒ No ☐ Don't Know  
If "Yes," skip to Section IV; if "No" or "Don't Know," complete questions 20–22 below.
20. **Participant's Children**—  
A. Were there any **living** children of the participant at the time of death?  
☐ Yes ☒ No ☐ Don't Know  
If "Yes," how many? \_\_\_\_\_ ☐ Check here if the number of children you identified is an estimate.
- B. Were there any children of the participant who died **before** the participant died?  
☐ Yes ☒ No ☐ Don't Know  
If "Yes," please complete the following:  
1. How many children died before the participant? \_\_\_\_\_ ☐ Check here if the number of children you identified is an estimate.
2. Were there any descendants of those deceased children (i.e., the participant's grandchildren) living at the time of the participant's death?  
☐ Yes ☐ No ☐ Don't Know If "Yes," how many? \_\_\_\_\_ ☐ Check here if the number of children you identified is an estimate.
21. **Participant's Parents**—Did the participant have at least one living parent at the time of death?  
☐ Yes ☒ No ☐ Don't Know
22. **Executor or Administrator of Participant's Estate**—Is there an executor or administrator for the estate of the participant? If yes, please provide the court documentation appointing the executor or administrator and a copy of the Taxpayer Identification Number (TIN).  
☒ Yes ☐ No ☐ Don't Know

If you answered "Yes" or "Don't Know" to any of the questions in 20–22, complete the rest of this form. If you answered "No" to **every** question in Section III, skip to Section VII; you may be contacted for additional information.





**Deceased Participant's Name** Elvin D. Jones **SSN** 295 - 34 - 7593

#### IV. DETAILED INFORMATION ABOUT POTENTIAL BENEFICIARIES

**If the participant was married** at the time of death, provide the requested information for the deceased participant's spouse only. **Otherwise**, provide the requested information for all **living** children of the participant, all children who died **after** the participant, and all living children of deceased children whom you identified in Item 20 in Section III. (You do not need to provide this information for any children identified in Item 20B who died before the participant.) When providing a phone number for a person living outside the United States or Canada, enter the number exactly as you would if you were calling it from the United States.

If you answered "No" to all questions related to the spouse and children, provide the requested information for parent(s) of the participant identified as living in Item 21. If there were no living parents, provide information about the executor or administrator identified in Item 22.

Name			Executor
Last	First	Middle	Relationship to Deceased Participant
Wiesenmayer	R	C	

Address 15 Willipie Street, Suite 300, PO Box 299  
Street Address or Box Number

Wapakoneta	Ohio	45895
City	State/Country	Zip Code

Phone ( 419 ) 738 - 8165      \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_      \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_  
Check one: ☒ Daytime    ☐ Evening      Social Security Number      Date of Birth (mm/dd/yyyy)

If this person died **after** the participant, provide the date of death.

Name			
Last	First	Middle	Relationship to Deceased Participant

Address \_\_\_\_\_  
Street Address or Box Number

City	State/Country	Zip Code
------	---------------	----------

Phone (\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_  
 Check one: ☐ Daytime ☐ Evening Social Security Number \_\_\_\_\_ Date of Birth (mm/dd/yyyy) \_\_\_\_\_

If this person died **after** the participant, provide the date of death.

mm dd yyyy

<b>Name</b>			<b>Relationship to Deceased Participant</b>
Last	First	Middle	

Address \_\_\_\_\_  
Street Address or Box Number

City	State/Country	Zip Code
------	---------------	----------

Phone (\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_  
 Check one: ☐ Daytime ☐ Evening Social Security Number \_\_\_\_\_  
 Date of Birth (mm/dd/yyyy) \_\_\_\_/\_\_\_\_/\_\_\_\_

If this person died **after** the participant, provide the date of death.

mm dd yy

Name				Relationship to Deceased Participant
Last	First	Middle		

Address \_\_\_\_\_  
Street Address or Box Number

City	State/Country	Zip Code
------	---------------	----------

Phone (\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_  
 Check one: ☐ Daytime ☐ Evening  
 Social Security Number \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_  
 Date of Birth (mm/dd/yyyy) \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_

If this person died **after** the participant, provide the date of death.

mm dd yyyy

 ☐ Check here if additional pages are used. Number of additional pages \_\_\_\_\_





**Deceased Participant's Name** Elvin D. Jones **SSN** 295 - 34 - 7593

**V.  
REFERRAL  
FOR  
INFORMATION**

Complete this section if:

- You cannot provide a current address or telephone number for a potential beneficiary whom you listed in Section IV.
- There is no spouse and you believe there may be additional children about whom you have limited knowledge.
- You answered "Don't Know" about potential beneficiaries in Section III.

**Please refer us to someone who may be able to provide this information.** (For more space, use Section VI.)

Name \_\_\_\_\_ (\_\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_  
Daytime Phone

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

Relationship to Participant \_\_\_\_\_

To which potential beneficiary(ies) does this referral apply? \_\_\_\_\_

**VI.  
ADDITIONAL  
INFORMATION**


Use this space to provide any information that may be relevant to the disposition of the deceased participant's account and that you did not furnish elsewhere on this form.

According to our records the beneficiary of this account  
is the Elvin D. Jones Trust. The Successor Trustee of the  
Trust is R.C. Wiesenmayer, who is also the Executor of the  
Estate and whose address is provided in Item II.

The EIN for the Trust is 88-6348381 and we have  
enclosed a copy of the IRS notice for your information.

**VII.  
CERTIFICATION**

I certify that the information I have provided is true and complete to the best of my knowledge. **Warning:** Any intentional false statement in this form or willful misrepresentation concerning it is a violation of law that is punishable by a fine or imprisonment for as long as 5 years or both (18 U.S.C. 1001).

23.   
Your Signature

R.C. Wiesenmayer

24. May 10, 2022  
Date Signed

**PRIVACY ACT NOTICE.** We are authorized to request this information under 5 U.S.C. chapter 84. We are authorized by Executive Order 9397 to ask for the deceased participant's Social Security number and your Social Security number and by 26 U.S.C. 6109 to ask for Taxpayer ID Numbers. We will use the information you provide on this form to identify the deceased participant's account(s) and to process death benefit payments from that account. This information may be shared with other Federal agencies for statistical, auditing, or archiving purposes. In addition, we may

share the information with law enforcement agencies investigating a violation of civil or criminal law, or agencies implementing a statute, rule, or order. It may be shared with congressional offices, private sector audit firms, spouses, former spouses, and beneficiaries, and their attorneys. We may also disclose relevant portions of the information to appropriate parties engaged in litigation. You are not required by law to provide this information, but if you do not provide it, we will not be able to process this form or make payment.



# Fax

**WIESENMAIER LAW OFFICE**

15 Willipie Street, Suite 300, P.O. Box 299

Wapakoneta, Ohio 45895

Telephone: (419) 738-8165

Facsimile: (419) 738-8170

Website: osulawyers.com

DATE: May 12, 2022To: TSP Death Benefits Processing  
UnitIn Re: Elvin D. Jones, DeceasedFax No. 1-703-592-0170  
866-817-5023

From:

Attorney R. C. WiesenmayerDirect e-mail: rcw@osulawyers.comBecky Curtis, Legal AssistantDirect e-mail: becky@osulawyers.com☒ Kim Frische, Legal AssistantDirect e-mail: kim@osulawyers.comAttorney Courtney W. BurtonDirect e-mail: courtney@osulawyers.comTaylor Fullenkamp, Legal AssistantDirect e-mail: taylor@osulawyers.com

MESSAGE:

I am faxing herewith the completed  
TSP-17 Form along with the death certificate  
for Elvin D. Jones and the EIN for the  
Elvin D. Jones Trust.

Please let us know if there is  
anything additional required.

Thank you.

**FAXED**  
**5-12-2022**  
**@ 2:45pm**



TRANSMISSION VERIFICATION REPORT

TIME : 05/12/2022 15:06  
NAME : WIESENMAIER LAW  
FAX : 4197388170  
TEL : 4197388165  
SER.# : U63274H4J771678

DATE, TIME	05/12 15:04
FAX NO./NAME	8668175023
DURATION	00:02:50
PAGE(S)	06
→ RESULT	OK
MODE	STANDARD ECM





# Thrift Savings Plan

0035415 01 AV 0.423 01 TR 00113 GFAF1AA2 100000



ELVIN D. JONES  
1059 PRINCEWOOD AVE  
KETTERING, OH 45429-5864



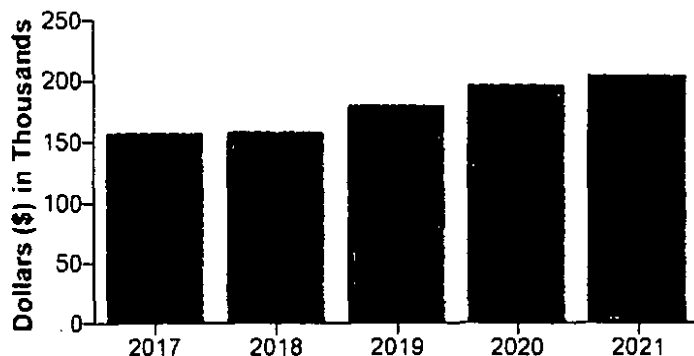
Here's how the value of your TSP account has changed for the period 10/1/2021 – 12/31/2021.

Value on October 1, 2021	\$208,398.25
Contributions and Additions	\$0.00
Withdrawals and Deductions	– \$12,658.21
Investment Gain (or Loss)	\$8,327.89
Value on December 31, 2021	\$204,067.93

Here's how the value of your TSP account has changed in 2021.

Value on January 1, 2021	\$196,202.21
Change in value this year	7,865.72
Value on December 31, 2021	\$204,067.93

Here's how the value of your TSP account has changed over the past 5 years.



## Your 2021 Annual Statement with Q4 Summary

Account Number:

8201 3519 56679

Date of Birth: 08/1937

Retirement Coverage: CSRS

Employment Status: Separated, dated

11/30/2020

Beneficiary Named: Yes

Will you be ready for retirement?

Imagine you started taking monthly payments tomorrow.

Your 12/31/2021 TSP account balance would provide you

### \$2,142

per month for the rest of your life.

Not enough? Use Form TSP-1 at [tsp.gov](http://tsp.gov) to save more.

\* Visit [tsp.gov/MonthlyEstimate](http://tsp.gov/MonthlyEstimate) to learn more about how this was calculated.

### Your Personal Rate of Return\*

Last 12 Months

### 10.51%

\* You can find rates of return for the TSP funds in the "TSP Fund Performance" section of this statement and on [tsp.gov](http://tsp.gov).

Questions? Visit [tsp.gov](http://tsp.gov)

ThriftLine: 1-877-958-3778

Outside the U.S. and Canada: 404-233-4400

TDD: 1-877-847-4385

YouTube: [youtube.com/tsp4gov](https://www.youtube.com/tsp4gov)

Twitter: @tsp4gov

Facebook: [fb.com/tsp4gov](https://www.facebook.com/tsp4gov)

Call the ThriftLine and speak to a Participant Service Representative to correct errors on your statement.

Keep your account secure; review your account profile.

Log into My Account to take advantage of new security features.

- Quarterly Statements: Electronic
- Annual Statements: Mailed

Penny

PLAINTIFF'S EXHIBIT

**D**





## Your Transaction Detail by Source † (from 10/01/2021 - 12/31/2021)

Payroll Office	Posting Date	Transaction Type	Employee Traditional	Employee Roth	Total
		Beginning Balance	\$208,398.25	\$0.00	\$208,398.25
	12/20/2021	Required Minimum Distribution	- 12,658.21	0.00	- 12,658.21
		Gain or Loss This Quarter	8,327.89	0.00	8,327.89
		Ending Balance	\$204,067.93	\$0.00	\$204,067.93

† Fourth quarter details of your transactions by fund (including interfund transfers) are available on your expanded annual statement in the My Account section of the TSP website (tsp.gov).



## A Summary of Your Account Activity in 2021

Beginning Balance as of January 1, 2021	\$196,202.21
Contributions	0.00
Transfers/Rollovers	0.00
Loan Disbursements	0.00
Loan Payments	0.00
In-Service Withdrawals	0.00
Required Minimum Distributions	- 12,658.21
Investment Gain/Loss	20,523.93
Post-Separation Withdrawals	0.00
<b>Ending Balance as of December 31, 2021</b>	<b>\$204,067.93</b>

Questions about these terms? Visit [tsp.gov/faq/annualstatement](https://tsp.gov/faq/annualstatement).

## Contributions to Your Account in 2021 (Without Adjustments)

Employee Contributions <sup>1</sup>		Transfers/Rollovers Into the TSP		
Traditional	Roth	Traditional	Roth	Total
\$0.00	\$0.00	\$0.00	\$0.00	\$0.00

<sup>1</sup> Includes regular, catch-up, makeup, and late contributions. The traditional contribution amount includes \$0.00 in traditional contributions toward the catch-up limit. The Roth contribution amount includes \$0.00 in Roth contributions toward the catch-up limit.

## Your Lifetime TSP Contributions (This section reflects your contributions from all periods of service.)

Traditional	Roth	Catch-Up <sup>2</sup>	Total
\$109,266.93	\$0.00	\$0.00	\$109,266.93

<sup>2</sup> Includes traditional and Roth balances.

## Your Primary Beneficiary Information (As you designated on 04/24/2014)

Name	Share
JONES ELVIN D TRUST	100%





15 Willipie Street, Suite 300  
P.O. Box 299  
Wapakoneta, Ohio 45895  
Phone: 419-738-8165  
Fax: 419-738-8170  
Email: rcw@osulawyers.com  
Website: www.osulawyers.com

**W**  
**Wiesenmayer**  
**Law Office, LLC**


# Fax

<b>To:</b>	Thrift Savings Plan	<b>From:</b>	R.C. Wiesenmayer
<b>Fax:</b>	276-926-8948	<b>Pages:</b>	3
<b>Phone:</b>	877-968-3778	<b>Date:</b>	July 11, 2022
	Elvin D. Jones, Deceased		
<b>Re:</b>	Account # 8201351956679		

To Whom It May Concern:

We recently received a letter stating that the Elvin D. Jones Trust was not the beneficiary of his Thrift Savings Plan. I am faxing herewith the 1<sup>st</sup> and 3<sup>rd</sup> page of the 2021 Annual Statement for Elvin D. Jones, which clearly shows on page 3 that the Elvin D. Jones Trust is the beneficiary Elvin designated on April 24, 2014. Therefore, we ask that you please process our previous request to transfer the account to the Elvin D. Jones Trust. If you need anything additional, please let us know.

Very sincerely,

  
R. C. Wiesenmayer, Successor Trustee of the  
Elvin D. Jones Trust Dated May 21, 2010

RCW/kaf  
Enclosure

*1 276-926-8948  
send subpoena*

**FAXED**  
7-11-2022  
@ 10:50 am



TRANSMISSION VERIFICATION REPORT

TIME : 07/11/2022 11:16  
NAME : WIESENMAIER LAW  
FAX : 4197388170  
TEL : 4197388165  
SER. # : U63274H4J771678

DATE, TIME	07/11 11:11
FAX NO. / NAME	2769268948
DURATION	00:04:35
PAGE(S)	03
RESULT	OK
MODE	STANDARD





15 Willipie Street, Suite 300  
P.O. Box 299  
Wapakoneta, Ohio 45895  
Phone: 419-738-8163  
Fax: 419-738-8170  
Email: rcw@osulawyers.com  
Website: www.osulawyers.com

**Wiesenmayer  
Law Office, LLC**

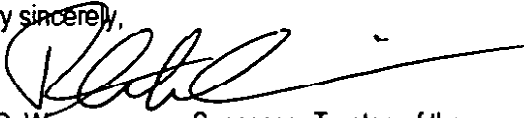
# Fax

<b>To:</b>	Thrift Savings Plan	<b>From:</b>	R.C. Wiesenmayer
<b>Fax:</b>	352-730-9974	<b>Pages:</b>	12
<b>Phone:</b>	844-973-0142	<b>Date:</b>	June 3, 2022
<b>Re:</b>	Elvin D. Jones, Deceased Account # 8201351956679		

To Whom It May Concern:

Per your request we are faxing herewith the Elvin D. Jones Trust dated May 21, 2010, which names R.C. Wiesenmayer as Successor Trustee in Section 5.2. The address for the Successor Trustee is PO Box 299, Wapakoneta, Ohio 45895 and the date of birth for the oldest beneficiary of the Trust is December 21, 1938. If anything additional is required, please let us know.

Very sincerely,

  
R. C. Wiesenmayer, Successor Trustee of the  
Elvin D. Jones Trust Dated May 21, 2010

RCW/kaf  
Enclosure

**FAXED**  
6-3-2022  
@ 2:50 PM





TRANSMISSION VERIFICATION REPORT

TIME : 06/03/2022 15:20  
NAME : WIESENMAYER LAW  
FAX : 4197388170  
TEL : 4197388165  
SER.# : U63274H4J771678

DATE, TIME	06/03 15:07
FAX NO./NAME	3527309974
DURATION	00:13:07
PAGE(S)	12
RESULT	OK
MODE	STANDARD



MAY 23 2022



# Thrift Savings Plan

Death Benefits Processing Unit  
P.O. Box 4450, Fairfax, VA 22038  
Fax: 703-592-0170

May 17, 2022

R. C. Wiesenmayer  
P O Box 299  
Wapakoneta, OH 45895

Re: Thrift Savings Plan Account of Elvin Jones

Acct: 8201351956679

We are unable to process your Form TSP-17, *Information Relating to Deceased Participant*, for the following reason:

**Elvin D. Jones Trust**

- Please provide a copy of the above-named trust. The submitted trust documents must identify the name of the trust, appoint a Trustee(s) or Successor Trustee(s), and bear the signature of the deceased participant. In addition, please provide the address for the appointed Trustee(s) or Successor Trustee(s) and the date of birth of the oldest beneficiary of the trust.
- Date of Birth of Oldest Beneficiary (MM/DD/YYYY) 12 / 21 / 1938

If you do not have the required information, but you know of someone who can assist us, please furnish the name, address, and telephone number for that person below.

NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

TELEPHONE NUMBER: (\_\_\_\_) \_\_\_\_\_

If you have questions, contact the TSP Death Benefits Processing Unit at the address on the letterhead or call (844) 973-0142, (if you are hearing-impaired, call TDD at 1-877-847-4385), Monday through Friday between 8:00 a.m. and 5:00 p.m. Eastern Standard Time. Callers outside the United States and Canada should call (404) 233-4400 (not a toll-free number). Documents pertaining to death benefits may be faxed anytime to (703) 592-0170. Include your daytime telephone number and the participant's Social Security number or account number on all correspondence. In addition, the TSP booklet *Death Benefits* is available from the TSP website ([www.tsp.gov](http://www.tsp.gov)). If you do not have web access, please call or write to receive a printed copy. Note: If you are a member of the uniformed services, do not provide your Defense Switched Network (DSN) telephone number.





JUL 09 2022

Statement Date: 06/28/2022

ThriftLine Participant Care Center

AS00007291 A000010



+1.877.968.3778 or +1.404.233.4400 for international callers

0000010 01 SP 0.530 01 TR 00001 ALDDD901 000000

THE ESTATE OF ELVIN D. JONES  
1059 PRINCEWOOD AVENUE  
KETTERING, OH 45429

7:00 a.m. to 9:00 p.m., Eastern Time, Monday  
through Friday



## Representative of Estate Denial Notice

We have received and processed the estate paperwork submitted on June 22, 2022. However, because the documentation does not meet the requirements specified by the Thrift Savings Plan, we cannot grant Robert C. Wiesenmayer access to your Thrift Savings Plan at this time.

- The trust documents submitted are not sufficient. The trust is not a named beneficiary, therefore, certified Letters of Administration need to be submitted for review.

Please submit the documentation within the next 30 days. You may upload the documentation to <https://poac.rk.tsp.gov/poa/poa.poa> or mail to the following address:

POA Center  
C/O Broadridge Processing  
PO Box 1990  
Newark, NJ 07101-1990

### For More Information

Web: My Account at [www.tsp.gov](http://www.tsp.gov)

Phone: +1.877.968.3778 or +1.404.233.4400 for international callers  
7:00 a.m. to 9:00 p.m., Eastern Time, Monday through Friday.

7-11-2022  
Crystal - For start  
Showing Trust as  
beneficiary  
For # 276-926-8948  
Death Benefits.

S 000010 ALDD901 000010 E



084450041 06437







15 Willipie Street, Suite 300  
P.O. Box 299  
Wapakoneta, Ohio 45895  
Phone: 419-738-8165  
Fax: 419-738-8170  
Email: rcw@osulawyers.com  
Website: www.osulawyers.com

**Wiesenmayer  
Law Office, LLC**


# Fax

<b>To:</b>	Thrift Savings Plan	<b>From:</b>	R.C. Wiesenmayer
<b>Fax:</b>	276-926-8948	<b>Pages:</b>	3
<b>Phone:</b>	877-968-3778	<b>Date:</b>	July 11, 2022
	Elvin D. Jones, Deceased		
<b>Re:</b>	Account # 8201351956679		

To Whom It May Concern:

We recently received a letter stating that the Elvin D. Jones Trust was not the beneficiary of his Thrift Savings Plan. I am faxing herewith the 1<sup>st</sup> and 3<sup>rd</sup> page of the 2021 Annual Statement for Elvin D. Jones, which clearly shows on page 3 that the Elvin D. Jones Trust is the beneficiary Elvin designated on April 24, 2014. Therefore, we ask that you please process our previous request to transfer the account to the Elvin D. Jones Trust. If you need anything additional, please let us know.

Very sincerely,

  
R. C. Wiesenmayer, Successor Trustee of the  
Elvin D. Jones Trust Dated May 21, 2010

RCW/kaf  
Enclosure

*1 276-926-8948  
Send Subpoena*

**FAXED**  
7-11-2022  
@ 10:50 am



TRANSMISSION VERIFICATION REPORT

TIME : 07/11/2022 11:16  
NAME : WIESENMAVER LAW  
FAX : 4197388170  
TEL : 4197388165  
SER. # : U63274H4J771678

DATE, TIME	07/11 11:11
FAX NO. / NAME	2769268948
DURATION	00:04:35
PAGE(S)	03
RESULT	OK
MODE	STANDARD



**IN THE PROBATE COURT OF AUGLAIZE COUNTY, OHIO**

ESTATE OF ELVIN D. JONES, DECEASED

CASE NO. 2022 EST 134

**CIVIL SUBPOENA DUCES TECUM**

**TO: THRIFT SAVINGS PLAN**  
**POA Center**  
**% Broadridge Processing**  
**PO Box 1990**  
**Newark, NJ 07101-1990**

**FAX: 1-276-926-8948**

**YOU ARE HEREBY COMMANDED:**

**WHAT:** To appear and produce copies of the Thrift Savings Plan Acct #8201351956679 beneficiary appointment documents for Elvin D. Jones, deceased. The available records found in the decedent's file shows that the beneficiary, as of December 31, 2021, is the Elvin D. Jones Trust – 100%. Attached is a copy of the **Thrift Savings Plan 2021 Annual Statement** setting forth the amount and the Primary Beneficiary Designation, along with our last fax transmittal dated July 11, 2022 requesting payment.

Also attached is our fax dated May 12, 2022 to Thrift Saving Plan requesting payment, along with the completed **TSP-17 Form**. Our office has attempted to have the funds in the Thrift Savings Plan transferred to the correct beneficiary since submitting this May 12, 2022 application, but each time, we are notified that your records are in a "confused state" and you are "unable to assist".

This Subpoena is being sent to you by the Executor of the Elvin D. Jones Estate, which is currently pending in the Auglaize County Probate Court, Case No. 2022 EST 134. The undersigned is also Trustee of The Elvin D. Jones Trust.





**WHEN:** SEPTEMBER 15, 2022 at 9:00 a.m.

**WHERE:** Wiesenmayer Law Office, LLC  
15 Willipie Street, Suite 300  
P.O. Box 299  
Wapakoneta, Ohio 45895

A copy of Civil Rule 45(C) and (D) is attached hereto as Exhibit "A"

**YOU NEED NOT APPEAR AT THE TIME AND DATE SELECTED ABOVE IF COPIES OF THE REQUESTED RECORDS ARE SENT TO AND RECEIVED BY THE UNDERSIGNED BY 9:00 A.M. ON SEPTEMBER 15, 2022.**

X   
R. C. Wiesenmayer (0007207)  
15 Willipie, Suite 300, P.O. Box 299  
Wapakoneta, Ohio 45895  
Phone No. (419) 738-8165  
Email: rcw@osulawyers.com  
Attorney for Plaintiff





**EXHIBIT A****CIVIL RULE 45 – Subpoena****(C) Protection of persons subject to subpoenas.**

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena.

(2) (a) A person commanded to produce under divisions (A)(1)(b), (iii), (iv), (v), or (vi) of this rule need not appear in person at the place of production or inspection unless commanded to attend and give testimony at a deposition, hearing, or trial.

(b) Subject to division (D)(2) of this rule, a person commanded to produce under divisions (A)(1)(b), (iii), (iv), (v), or (vi) of this rule may, within fourteen days after service of the subpoena or before the time specified for compliance if such time is less than fourteen days after service, serve upon the party or attorney designated in the subpoena written objections to production. If objection is made, the party serving the subpoena shall not be entitled to production except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena, upon notice to the person commanded to produce, may move at any time for an order to compel the production. An order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the production commanded.

(3) On timely motion, the court from which the subpoena was issued shall quash or modify the subpoena, or order appearance or production only under specified conditions, if the subpoena does any of the following:

(a) Fails to allow reasonable time to comply;

(b) Requires disclosure of privileged or otherwise protected matter and no exception or waiver applies;

(c) Requires disclosure of a fact known or opinion held by an expert not retained or specially employed by any party in anticipation of litigation or preparation for trial as described by Civ.R. 26(B)(5), if the fact or opinion does not describe specific events or occurrences in dispute and results from study by that expert that was not made at the request of any party;

(d) Subjects a person to undue burden.

(4) Before filing a motion pursuant to division (C)(3)(d) of this rule, a person resisting discovery under this rule shall attempt to resolve any claim of undue burden through discussions with the issuing attorney. A motion filed pursuant to division (C)(3)(d) of this rule shall be supported by an affidavit of the subpoenaed person or a certificate of that person's attorney of the efforts made to resolve any claim of undue burden.

(5) If a motion is made under division (C)(3)(c) or (C)(3)(d) of this rule, the court shall quash or modify the subpoena unless the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated.

**(D) Duties in responding to subpoena.**

(1) A person responding to a subpoena to produce documents shall, at the person's option, produce them as they are kept in the usual course of business or organized and labeled to correspond with the categories in the subpoena. A person producing documents or electronically stored information pursuant to a subpoena for them shall permit their inspection and copying by all parties present at the time and place set in the subpoena for inspection and copying.



(2) If a request does not specify the form or forms for producing electronically stored information, a person responding to a subpoena may produce the information in a form or forms in which the information is ordinarily maintained if that form is reasonably useable, or in any form that is reasonably useable. Unless ordered by the court or agreed to by the person subpoenaed, a person responding to a subpoena need not produce the same electronically stored information in more than one form.

(3) A person need not provide discovery of electronically stored information when the production imposes undue burden or expense. On motion to compel discovery or for a protective order, the person from whom electronically stored information is sought must show that the information is not reasonably accessible because of undue burden or expense. If a showing of undue burden or expense is made, the court may nonetheless order production of electronically stored information if the requesting party shows good cause. The court shall consider the factors in Civ. R. 26(B)(4) when determining if good cause exists. In ordering production of electronically stored information, the court may specify the format, extent, timing, allocation of expenses and other conditions for the discovery of the electronically stored information.

(4) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

(5) If information is produced in response to a subpoena that is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a receiving party must promptly return, sequester, or destroy the specified information and any copies within the party's possession, custody or control. A party may not use or disclose the information until the claim is resolved. A receiving party may promptly present the information to the court under seal for a determination of the claim of privilege or of protection as trial-preparation material. If the receiving party disclosed the information before being notified, it must take reasonable steps to retrieve it. The person who produced the information must preserve the information until the claim is resolved.



**WIESENMYER LAW OFFICE, LLC**

15 Willipie Street, Suite 300  
P.O. Box 299  
Wapakoneta, Ohio 45895  
Phone: 419-738-8165  
Fax: 419-738-8170  
Email: rcw@osulawyers.com  
Website: www.osulawyers.com

**Wiesenmayer  
Law Office, LLC**

# Fax

**To:** THRIFT SAVINGS PLAN**From:** R. C. Wiesenmayer**Fax:** 276-926-8948**Pages:** 19**Phone:** 877-968-3778**Date:** August 12, 2022**Re:** Elvin D. Jones, Deceased**cc:**

Acct. #8201351956679

☐ **Urgent**    ☐ **For Review**    ☐ **Please Comment**    ☐ **Please Reply**    ☐ **Please Recycle**

**• Comments:****TO WHOM IT MAY CONCERN:**

The following **CIVIL SUBPOENA DUCES TECUM** from the Auglaize County Probate Court is to obtain the beneficiary information for the Thrift Savings Plan Acct #8201351956679 for Elvin D. Jones, deceased. Your cooperation in providing the requested information by the deadline of **SEPTEMBER 15, 2022** is required. If anything additional is needed for your response, please advise.

Very sincerely,

  
R. C. Wiesenmayer

RCW/bac

Enclosure

**FAXED**  
8/12/22  
@10:36 A



TRANSMISSION VERIFICATION REPORT

TIME : 08/12/2022 11:13  
NAME : WIESENMAYER LAW  
FAX : 4197388170  
TEL : 4197388165  
SER. # : U63274H4J771678

DATE, TIME	08/12 10:59
FAX NO. /NAME	2769268948
DURATION	00:13:43
PAGE(S)	19
RESULT	OK
MODE	STANDARD





15 Willipie Street, Suite 300  
P.O. Box 299  
Wapakoneta, Ohio 45895  
Phone: 419-738-8165  
Fax: 419-738-8170  
Email: rcw@osulawyers.com  
Website: www.osulawyers.com

**Wiesenmayer  
Law Office, LLC**

# Fax

**To:** THRIFT SAVINGS PLAN

**From:** R.C. Wiesenmayer

**Fax:** 276-926-8948

**Pages:** 2

**Phone:** 877-968-3778

**Date:** September 20, 2022

**Re:** Elvin D. Jones, Deceased  
Acct # 8201351956679

TO WHOM IT MAY CONCERN:

Pursuant to a telephone call on September 20, 2022 to the death benefit payment section of the Thrift Savings Plan organization, we were notified that the payment was being delayed for furnishing the Representative of the Estate documents. I am faxing herewith the Entry Appointing Fiduciary; Letters of Authority issued by the Auglaize County Probate Court in Case No. 2022 EST 134.

We have also sent you a subpoena regarding the need for information as to why there is a delay in paying the beneficiary of the Plan. You are past due on responding to the subpoena and if we do not receive a satisfactory response from this fax, we will ask the Court to issue a Citation for a person to appear and answer.

Very sincerely,

*R. C. Wiesenmayer*  
R. C. Wiesenmayer

RCW/kaf  
Enclosure

**FAXED**  
9-20-2022  
@ 2:15pm

**PLAINTIFF'S  
EXHIBIT**

**H**



TRANSMISSION VERIFICATION REPORT

TIME : 09/20/2022 14:38  
NAME : WIESENMAYER LAW  
FAX : 4197388170  
TEL : 4197388165  
SER.# : U63274H4J771678

DATE, TIME	09/20 14:36
FAX NO./NAME	12769268948
DURATION	00:01:40
PAGE(S)	02
RESULT	OK
MODE	STANDARD





JUL 20 2022

Statement Date: June 30, 2022



My Account  
tsp.gov



AS00008994 A003333

0003229 01 MM 0.494 01 TR 00010 ALDDDP02 001000

ELVIN D. JONES  
1059 PRINCEWOOD AVE  
KETTERING OH 45429-5864

*email  
privacy@tsp.gov  
8 pages*



**FAXED**  
15-26-2022

@ 10:30 am

## TSP-17 Unidentified Beneficiary Affidavit Thrift Savings Plan

To the estate of ELVIN D. JONES:

We're sorry to hear of your loss and wish to express our sincere sympathy. ELVIN D. JONES was a participant in the Thrift Savings Plan and did not designate a beneficiary to receive this benefit. This letter requests information the plan will need in order to transfer the benefit to the appropriate beneficiary.

When no beneficiary is designated, the Thrift Savings Plan dictates that the benefit be paid:

- First, to a surviving spouse of the participant
- To the children (surviving and/or deceased and their descendants, limited to the participant's grandchildren if child is deceased ) if no living spouse
- To the surviving parent(s) (in equal parts) if no children (surviving and/or deceased and their descendants, limited to the participant's grandchildren if child is deceased).
- To the participant's estate if no surviving parent(s)
- Next of kin who is entitled to the estate under the laws of the state which the participant lived at the time of death

### Potential Beneficiary Information

The Plan requires that the Thrift Savings Plan benefit be paid to the participant's spouse, if married at the time of death. Confirm the marital information below.

ELVIN D. JONES was:

☐ legally married at the time of death

☒ not legally married at the time of death

11-28-2022

*Kate - still being processed.  
No time estimate.  
It is marked high priority  
on their end.*

12-19-2022

*Trey - still under review.*

084450041 06437-A003333



S 003229 ALDDDP02 005625



**TSP-17 Unidentified Beneficiary Affidavit**

Page 2

**If Legally Married At the Time of Death**

Provide (print) the following information for the surviving spouse:

Spouse Name: \_\_\_\_\_

Spouse Address: \_\_\_\_\_  
\_\_\_\_\_

Spouse Phone Number: \_\_\_\_\_

Spouse Date of Birth: \_\_\_\_\_

Spouse Social Security Number: \_\_\_\_\_

When returning this form to the ThriftLine Service Center, include a copy of the marriage certificate for the participant and the spouse entered above.

**If Not Legally Married At the Time of Death**

If the participant was not legally married at the time of death, print the following information for any children (surviving and/or deceased and their descendants, limited to the participant's grandchildren if child is deceased) of the participant. If more space is needed, include an additional sheet with the following information for each additional child.

Child Name: \_\_\_\_\_

Child Address: \_\_\_\_\_  
\_\_\_\_\_

Child Phone Number: \_\_\_\_\_

Child Date of Birth: \_\_\_\_\_

Child Social Security Number: \_\_\_\_\_

Child Name: \_\_\_\_\_

Child Address: \_\_\_\_\_  
\_\_\_\_\_

Child Phone Number: \_\_\_\_\_

Child Date of Birth: \_\_\_\_\_

Child Social Security Number: \_\_\_\_\_  
  
\_\_\_\_\_







## TSP-17 Unidentified Beneficiary Affidavit

Page 3

Child Name: \_\_\_\_\_

Child Address: \_\_\_\_\_  
\_\_\_\_\_

Child Phone Number: \_\_\_\_\_

Child Date of Birth: \_\_\_\_\_

Child Social Security Number: \_\_\_\_\_

☒ Or check here if no surviving children**If Not Legally Married And No Children At the Time of Death**

If the participant was not legally married and had no children (surviving and/or deceased and their descendants, limited to the participant's grandchildren if child is deceased), the benefit will be payable to the surviving parent(s) (birth or legally adoptive). Print the following information:

Parent Name: \_\_\_\_\_

Parent Address: \_\_\_\_\_  
\_\_\_\_\_

Parent Phone Number: \_\_\_\_\_

Parent Date of Birth: \_\_\_\_\_

Parent Social Security Number: \_\_\_\_\_

Parent Name: \_\_\_\_\_

Parent Address: \_\_\_\_\_  
\_\_\_\_\_

Parent Phone Number: \_\_\_\_\_

Parent Date of Birth: \_\_\_\_\_

Parent Social Security Number: \_\_\_\_\_

☒ Or check here if no surviving parents

003229 ALDDP02 005626



## TSP-17 Unidentified Beneficiary Affidavit

Page 4

**If Not Legally Married And No Surviving Parent(s) At the Time of Death**

If the participant was not legally married and had no children (surviving and/or deceased and their descendants, limited to the participant's grandchildren if child is deceased) and had no surviving parents, the benefit will be payable to the participant's estate. Print the following information:

Full Name of Estate: ELVIN D. JONES ESTATEExecutor Name: R.C. WIESENMAYERExecutor Phone Number: 419-738-8165Taxpayer ID Number: 88-6398201

When returning this form to the ThriftLine Service Center, include a copy of Letters Testamentary or Letters of Administration for the estate. If it's a small estate, send a copy of the small estate affidavit.

**If Not Legally Married And Next of Kin Entitled to Estate At the Time of Death**

If the participant was not legally married and had no children (surviving and/or deceased and their descendants, limited to the participant's grandchildren if child is deceased) and had no surviving parents, the benefit will be payable to the next of kin entitled to the participant's estate. Print the following information, and include a copy of the court documentation appointing the executor or administrator and a copy of the Taxpayer ID Number (TIN):

Name: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

Phone Number: \_\_\_\_\_

Date of Birth: \_\_\_\_\_

Social Security Number: \_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

Phone Number: \_\_\_\_\_

Date of Birth: \_\_\_\_\_

Social Security Number: \_\_\_\_\_  
  
\_\_\_\_\_





## TSP-17 Unidentified Beneficiary Affidavit

Page 5

**Death Certificate**

A copy of ELVIN D. JONES's death certificate is also required. Include it when sending this request if one hasn't already been sent. We can't proceed with paying the benefit without it.

**Sending This Information**

The social security number(s) of the potential beneficiary(ies) is needed in order to establish an account in his/her name.

Don't send original certificates or other supporting documents as they will not be returned.

Keep a copy of this form for your records. Then submit all pages of this completed, original notice (not a copy) and any documentation by:

**Fax:** 1-276-926-8948

A separate cover page is not needed.

Mark the total number of pages to be faxed at the top of the form.

**Overnight Mail:**

ThriftLine Service Center  
C/O Broadridge Processing  
2 Gateway Center  
283-299 Market Street 17th Fl  
Newark, NJ 07102

**Postal Mail:**

ThriftLine Service Center  
C/O Broadridge Processing  
PO Box 1600  
Newark, NJ 07101-1600

**Timing**

It's important that this information be returned to the ThriftLine Service Center as soon as possible. Federal law requires that beneficiaries begin to receive distributions from the plan after the participant's death. If these payments aren't made to the beneficiaries on time, the IRS imposes a 50% penalty of each required payment, payable by the beneficiary. Receiving this information will help the plan make these required payments in a timely manner.

**Signature of Person Completing this Form**

The undersigned certifies that under penalty of perjury, the information provided is true and correct to the best of their knowledge. If it's determined that the above declaration is false, the undersigned may be responsible for returning any payment, including earnings, to the Thrift Savings Plan.

Printed Name: RC Wiesenmayer

Relationship to Participant: Executor of the Elvin D. Jones Estate

Signature:  Date: 10-26-2022

00329 ALDDP02 005627 E



## TSP-17 Unidentified Beneficiary Affidavit

Page 6

**PRIVACY ACT NOTICE.** We are authorized to request this information under 5 U.S.C. chapter 84. We are authorized by Executive Order 9397 to ask for the deceased participant's Social Security number and your Social Security number and by 26 U.S.C. 6109 to ask for Taxpayer ID Numbers. We will use the information you provide on this form to identify the deceased participant's account(s) and to process death benefit payments from that account. This information may be shared with other Federal agencies for statistical, auditing, or archiving purposes. In addition, we may share the information with law enforcement agencies investigation a violation of civil or criminal law, or agencies implementing a statute, rule, or order. It may be shared with congressional offices, private sector audit firms, spouses, former spouses, and beneficiaries, and their attorneys. We may also disclose relevant portions of the information to appropriate parties engaged in litigation and for other routine uses as specified in the System of Records Notice (SORN) associated with this information collection, FRTIB-1, Thrift Savings Plan Records, published at 85 FR 53370. You are not required by law to provide this information, but if you do not provide it, we will not be able to process this form or make payment.

**For More Information**

**Online**  
My Account  
at [tsp.gov](https://tsp.gov)

Keep your benefits in your pocket. Download TSP Mobile app from your app store.  
App Store ‡ Google Play



**Phone**  
between 7 a.m. and 9 p.m. Eastern time, Monday through Friday  
1-877-968-3778 (United States)  
+1-404-233-4400 (Outside the United States)  
Generally, you'll have a shorter wait time if you call after Tuesday.



**Fax**  
1-276-926-8948  
Cover letter not necessary



**Mail**  
ThriftLine Service Center  
C/O Broadridge Processing  
PO Box 1600  
Newark, NJ 07101-1600





TRANSMISSION VERIFICATION REPORT

TIME : 10/26/2022 11:01  
NAME : WIESENMAYER LAW  
FAX : 4197388170  
TEL : 4197388165  
SER.# : U63274H4J771678

DATE, TIME	10/26 10:48
FAX NO./NAME	12769268948
DURATION	00:12:42
PAGE(S)	08
RESULT	OK
MODE	STANDARD





# Thrift Savings Plan

73046524067D AF 1M2130 97380100 06/22  
0060450 01 AV 0.423 01 TR 00300 GFQF4AA6 100000

A standard linear barcode representing the alphanumeric string above it. The bars vary in width and height, corresponding to each character in the string.

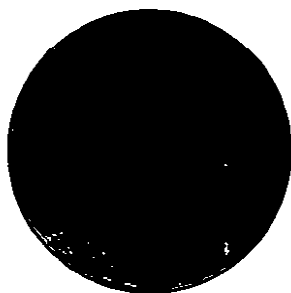
THE ESTATE OF ELVIN D. JONES  
1059 PRINCEWOOD AVE  
KETTERING, OH 45429-5864


















**Here's how the value of your TSP account has changed.**

<b>Value on April 1, 2022</b>	<b>\$189,947.41</b>
Contributions and Additions	\$0.00
Withdrawals and Deductions	\$0.00
Investment Gain (or Loss)	~ \$8,848.70
<b>Value on May 26, 2022</b>	<b>\$191,098.71</b>

## Your current investment allocations.



 L 2065	0%	 L 2040	0%	 G Fund	100%
 L 2080	0%	 L 2035	0%	 F Fund	0%
 L 2055	0%	 L 2030	0%	 C Fund	0%
 L 2050	0%	 L 2025	0%	 S Fund	0%
 L 2045	0%	 L Income	0%	 I Fund	0%

## Your Statement

for the period

04/01/2022 – 05/26/2022

Account Number

8201 3519 56679

Date of Birth: 08/1937

Retirement Coverage: CSRS

Employment Status: Deceased  
dated 04/22/2022

## A Message for You

This statement covers the first part of your second Period account activity. For details about why a one-time split statement is necessary as we transition to a new service provider, visit [tsp.gov/forward](http://tsp.gov/forward).

## Your Personal Rate of Return

**Last 12 Months**

**-1.57%**

\* You can find rates of return for the TSP funds on [tsp.gov](http://tsp.gov).

**Questions? Visit [tsp.gov](http://tsp.gov)**

**ThrifLine: 1-877-968-3778**

Outside U.S. and Canada: 404-233-4400

**TDD: 1-877-847-4385**

YouTube: [youtube.com/tsp4gov](https://www.youtube.com/tsp4gov)

Twitter: @tsp4gov

Facebook: fb.com/tsp4gcv

Call the ThriftLine and speak to a Participant Service Representative to correct errors on your statement.





THE ESTATE OF ELVIN D. JONES  
Account Number: 8201 3519 56679

**Your Ending Account Balance: \$191,098.71**

**JUL 06 2022**

Page 2 of 2  
For the period: 04/01/2022 - 05/26/2022

**YOUR ACCOUNT SUMMARY**

TSP FUNDS		Beginning Balance	Contributions and Additions	Withdrawals and Deductions	Interfund Transfers	Gain or Loss This Period	Ending Balance	Beginning Shares	Ending Shares
Individual Funds								Price	Number
G Fund		\$113,280.70	\$0.00	\$0.00	\$77,291.40	\$526.61	\$191,098.71	\$18.8108	10,159,321.21
C Fund		68,401.73	0.00	0.00	-60,620.72	-7,701.01	0.00	68.6416	1,996,505.50
I Fund		18,264.98	0.00	0.00	16,670.68	-1,594.30	0.00	13.367895	496,742.60
Total		\$199,947.41	\$0.00	\$0.00	\$0.00	-\$8,848.70	\$191,098.71		

**YOUR TRANSACTION DETAIL BY SOURCE**

Payroll Office	Posting Date	Transaction Type	Employee Traditional	Employee Roth	Total
		Beginning Balance	\$199,947.41	\$0.00	\$199,947.41
		No Transactions			
		Gain or Loss This Period	-8,848.70	0.00	-8,848.70
		Ending Balance	\$191,098.71	\$0.00	\$191,098.71



**Kim Frische**

**From:** Kim Frische <kim@osulawyers.com>  
**Sent:** 12/28/2022 4:07 PM  
**To:** 'privacy@tsp.gov'  
**Subject:** Elvin D. Jones, Deceased April 22, 2022  
**Attachments:** Jones 2021 Statement.pdf; Jones Subpoena.pdf

ISP Death Benefits  
Thrift Line Service Center  
c/o Broadridge Processing  
PO Box 1600  
Newark, NJ 07101-1600

*100%  
called  
Jan 12, 2023*

**TO THE BOARD:**

This is to notify you that we have been trying to process a death benefit claim for Elvin D. Jones, who was the owner of Thrift Savings Plan Account #8201351956679. Elvin Jones was a retiree from the Defense Finance & Accounting Services at Wright Patterson Air Force Base, Dayton, Ohio.

On October 26, 2022 we faxed to 1-276-926-8948 a completed TSP-17, Unidentified Beneficiary Affidavit, to process his Thrift Savings Plan. His statement for 12/31/2021 showed a value of \$204,067.93. The 2021 statement sent to Elvin Jones indicated his primary beneficiary was the Elvin D. Jones Trust – 100%. I am sending herewith a copy of the 2021 annual statement, which contains the information set forth.

In May of 2022 we attempted to process his benefits through the Trust and was informed that Thrift Savings Plan had changed systems and there was no evidence of a valid beneficiary appointment and therefore they could not process the application as a trust beneficiary. We then proceeded on October 26, 2022 to process the current claim as a TSP-17, Unidentified Beneficiary Affidavit, and have repeatedly been told it is being reviewed for process. We initially contacted a person by the name of Kate on November 28, 2022 and was informed that there was no time estimate as to when the payment would be processed but it was marked high priority. On December 19, 2022 we talked to an individual by the name of Trey and he indicated it was still under review. On December 28, 2022 we talked to a person named Michelle, who is a Tier II Operator, and she likewise advised us that the necessary paperwork was submitted and for some unknown reason it was still marked "under review". Michelle actually told us if we were to get any kind of action we needed to contact "The Board" at this email.

On August 12, 2022 we sent a fax to 276-926-8948 for a Civil Subpoena Duces Tecum to the Thrift Savings Plan in Newark, New Jersey, indicating a need for information and the subpoena was never honored with no information being returned. We are now at the point to report this to our local congressman or senator in order to get some action. We are considering filing a legal proceeding in the Probate Court in addition to contacting the government representative. We request that there be some response given to our request to process this Thrift Savings Plan immediately so we can continue to administer the decedent's estate. The Probate Court requires an account to be filed and we have continually notified them that we are trying to get information on the Thrift Savings Plan and therefore have delayed completing the estate inventory. This matter deserves your immediate attention and I suggest you review the entire file to see that we have provided all the necessary information with no success. Each of the people we have talked to, Kate, Trey and Michelle, have confirmed that they have all the information necessary to process payment and have no explanation as to why payment is still being labeled as "under review".

*R.C. Wiesenmayer*



